

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWARD DAVID JONES,

Plaintiff,

v.

MARIANA LOTERSTEIN, et al.,

Defendants.

No. 2:22-CV-0639-DJC-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 27, 2024, the Magistrate Judge filed findings and recommendations herein which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed August 27, 2024, ECF No. 28, are adopted in full.

2. This action shall proceed on Plaintiff's third amended complaint as to his Eighth Amendment medical deliberate indifference claims against Defendants Loterstein and Aung only.

3. Defendants Matteson, Lorgoza, Gates, and Smith are dismissed with prejudice for failure to state a claim.

4. The Clerk of the Court is directed to terminate Matteson, Lorgoza, Gates, and Smith as defendants to this action.

5. The matter is referred back to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: **December 20, 2024**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE